

Notice of Allowability

Application No.

10/074,462

Examiner

Ashok B. Patel

Applicant(s)

ZHANG ET AL.

Art Unit

2154

NJ

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/29/2007.
2. ☒ The allowed claim(s) is/are 45, 47, 50-54, 56, 58, 61-66 (Total 15 claims).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Claims 45, 47, 50-54, 56, 58, 61-66 are allowed. Claims 1-44, 46, 48, 49, 55, 57, 59, 60 and 67 are cancelled.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Philip R. Hunt on 03/22/2007.

3. The application has been amended as follows:
 - A. In the claims:
 - a. Claims 1-44, 46, 48, 49, 55, 57, 59, 60 and 67 are cancelled. (Claims 45, 47, 50-54, 56, 58, 61-66 are allowed.)
 - b. Claim 47. (Currently Amended) The system of Claim 46 45 wherein the resource is a server.
 - c. Claim 50. (Currently Amended) The system of Claim 49 45 wherein the second load balancing policy is selected based on the first load balancing policy index.
 - d. Claim 51. (Currently Amended) The system of Claim 49 45 wherein the second load balancing policy is ~~configured~~ selected independently of the first load balancing policy index.

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e. Claim 56. (Currently Amended) A method for allocating resources to service requests comprising:

receiving a first service index at a load balancing manager comprising a service index table having a plurality of super group indexes, the service index corresponding to a service request;

~~generating~~ selecting a first of the super group indexes in response to

receiving the first service index;

generating a first load balancing policy index in response to receiving the service index;

selecting a first load balancing policy from among a plurality of load

balancing policies based on the first load balancing policy index;

generating a plurality of ~~first~~ resource group indexes in response to the

selecting of the first super group index; ~~and~~

applying the first load balancing policy to select one of the plurality of resource group indexes;

generating ~~at least one~~ or more resource indexes in response to the

selection of the one ~~first~~ resource group index, the at least one resource index corresponding to at least one of a plurality of ~~resources~~ resources;

selecting a second load balancing policy;

applying the second load balancing policy to select one of the at least one resource index; and

assigning a first resource to the service request, the one resource index indicating the resource.

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- f. Claim 58. (Currently Amended) The method of Claim ~~57~~56 wherein the resource is a server.
- g. Claim 60. (Canceled)
- h. Claim 61. (Currently Amended) The method of Claim ~~60~~56 further comprising selecting the second load balancing policy based on the first load balancing policy index.
- i. Claim 62. (Currently Amended) The method of Claim ~~60~~56 further comprising selecting the second load balancing policy independently of the first load balancing policy index.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

Applicant's arguments that Daoud does not disclose are persuasive as presented in response dated 01/29/2007 along with the other claim limitations as well as the Examiner's amendments stated above. None of the prior arts of record teach or suggest the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached o If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
